

AN ORDINANCE **97041**

AUTHORIZING THE EXECUTION OF A RAILROAD CROSSING IMPROVEMENT AGREEMENT WITH THE UNION PACIFIC RAILROAD COMPANY (UPRC) FOR IMPROVEMENTS TO THE EXISTING RAILROAD CROSSING SURFACE ON UVALDE ROAD IN COUNCIL DISTRICT 3 AND AUTHORIZING THE PAYMENT OF \$21,986.00 FROM STREET MAINTENANCE AND IMPROVEMENT FUNDS TO UPRC; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT

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WHEREAS, due to the deterioration of railroad crossing surfaces caused by automobiles and heavy trucks, it is necessary to make improvements to the existing railroad crossing surface on Uvalde Road; and

WHEREAS, this Ordinance authorizes a Railroad Crossing Improvement Agreement with Union Pacific Railroad to make said improvements and provide all labor, materials, equipment and supervision for the reconstruction work at Uvalde Road crossing (Milepost 1.70) Rockport Subdivision; and

WHEREAS, the City agrees to pay Union Pacific fifty percent (50%) of the actual costs of the work performed and materials supplied by Union Pacific Railroad Company; and

WHEREAS, the City of San Antonio will provide for the asphalt overlay on the Uvalde Road approaches and provide all necessary traffic control to include barricades during the construction and will secure any necessary permits for the installation of the work performed by Union Pacific Railroad; and

WHEREAS, approval of this ordinance will be a continuation of City policy to cooperate with the Railroad Company and community interests in up-grading existing railroad crossing surfaces; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or her designee is hereby authorized to execute a Railroad Crossing Improvement Agreement on behalf of the City of San Antonio, in substantially the form is attached hereto as **Attachment I** or such other form as may be approved by the City Attorney. All obligations of the City of San Antonio under the contract are subject to the limitations of the Texas Constitution.

SECTION 2. Funds in the amount of \$21,986.00 are authorized to be encumbered in Fund No. 29-014000 (Miscellaneous Special Revenue Fund –Street Drainage Maintenance) Index Code 286286 entitled “Fees to Professional Contractors” and are made payable to **Union Pacific Railroad Company** for improvements to existing railroad crossing.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the interim Director of Finance, City of San Antonio. The interim Director may, subject to concurrence by the City Manager or the City Manager’s designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance shall be effective on the 26th day of January, 2003.

PASSED AND APPROVED this the 16th day of January, 2003.

22/05

M A Y O R
EDWARD D. GARZA

ATTEST:

Jolanda L. Ledesma
CITY CLERK

APPROVED AS TO FORM:

[Signature]
City Attorney